

Remarks***Status***

The Examiner rejected claims 78-101 (all of the pending claims). Applicant submits the enclosed Terminal Disclaimers. It is submitted that the claims are in condition for allowance for at least the reasons discussed below.

Discussion

The Examiner rejected claims 78-101 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Applicants patent 6,457,010 (listed erroneously as 09/204,888 in Office Action) as well as Applicants co-pending patent application 09/205,119. The Applicant has included with this response an appropriate terminal disclaimer for each of the above noted rejections. Applicant submits that the claims are accordingly in condition for allowance.

On pages 5 and 6 of the Office Action the Examiner noted that the IDS submitted on December 8, 2002 (paper #9) has been entered in the case, but the IDS and accompanying documents are not associated with the case and that the IDS, references and 1449s should be resubmitted for consideration on the merits. Per a telephonic interview between the Examiner and the inventor (Charles A. Eldering) on April 8, 2003, it was discovered that the U.S.P.T.O did in fact have the IDS, references and 1449s. As the IDS and associated papers were erroneously entered twice by the U.S.P.T.O, Paper #9 (the second entry) will be removed from the file.

Conclusion

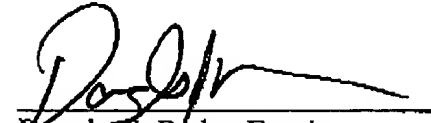
Applicants respectfully submits that claims 78-101 are in condition for allowance with the submission of the enclosed terminal disclaimers in accordance 37 C.F.R. 1.130(b).

Reply to Official Action

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Respectfully submitted,


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